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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P. (COMM) 378/2018

CONTAINER CORPORATION OF INDIA Petitioner
Through Mr. Balendu Shekhar and Mr.
Rajkumar Maurya, Advs.

versus

MODERN INDUSTRIES Respondent
Through None

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **05.09.2018**

I.A. 11866/2018

1. Allowed, subject to just exceptions.

I.A. 11864/2018

2. This is an application seeking condonation of delay in filing the accompanying petition under Section 34 of the Arbitration and Conciliation Act, 1996 (for short '1996 Act').
3. The accompanying petition seeks to assail the award dated 28.7.2017.
4. Counsel for the applicant/petitioner says that the modified award was received by the applicant/petitioner on 7.12.2017.
5. It is not disputed by the learned counsel for the applicant/petitioner that the accompanying petition under Section 34 of the 1996 Act was filed only on 21.8.2018.
6. Therefore, given these circumstances, it is clear that the delay in filing the petition is beyond the period of limitation as prescribed under Section 34(3) of the 1996 Act.

7. The delay, therefore, cannot be condoned in view of the judgment of the Supreme Court in *Union of India vs. Popular Construction Co.* (2001) 8 SCC 470 etc.

8. The application is, accordingly, dismissed.

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9. In view of the order passed in I.A. No.11864/2018, the captioned petition and the accompanying application have been rendered infructuous.

10. Accordingly, the same are dismissed as well.

RAJIV SHAKDHER, J

SEPTEMBER 05, 2018

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